

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

ARKANSAS INSURANCE DEPARTMENT)	
PETITIONER)	
)	A.I.D. NO. 2018- 60
VS.)	
)	
GREGORY WHITE)	
RESPONDENT)	

ORDER

On this day, the matter of the producer's license of Gregory White ("Respondent") came before Allen Kerr, Arkansas Insurance Commissioner ("Commissioner"). A hearing was held on April 3, 2018, in the First Floor Hearing Room of the Arkansas Insurance Department ("Department") pursuant to the Notice of Hearing dated March 23, 2018 and sent by certified mail to the Respondent's address. The hearing was held before Deputy Commissioner Zane Chrisman ("Hearing Officer") pursuant to her appointment by the Commissioner in accordance with Ark. Code Ann. § 23-61-103(e)(1). The Department was represented by Gray Allen Turner, Associate Counsel. The Respondent was present.

FINDINGS OF FACT

1. The Commissioner of Insurance has jurisdiction pursuant to the Arkansas Insurance Code, specifically Ark. Code Ann. §§ 23-60-101, *et seq.*

2. Respondent applied for a Resident Producer License on December 28, 2017.

3. The Department denied Respondent's application on February 15, 2018.

4. Respondent timely requested a hearing as to the license denial.

5. Respondent was sent an notice of hearing on March 23, 2018, to the address provided to the Petitioner.

6. In 2009, on two separate occasions, Respondent sold prescription drugs to an undercover confidential informant. On July 12, 2010, Respondent was convicted of three separate felonies: (1) Delivery of a Controlled Substance (OxyContin) a Y class felony, offense date 6-8-2009 (2) Possession of a Controlled Substance (Methamphetamines) a class C Felony, offense date 10-3-2009, and (3) Delivery of a Controlled Substance (Oxycodone) a class Y Felony, offense date 9-17-2009. For all of these convictions, Respondent was sentenced to serve 132 months in the Arkansas Department of Correction.

7. After his release from prison, Respondent was charged with Public Intoxication. In 2014, his parole was revoked and Respondent spent an additional six months of incarceration during which he participated in a drug treatment program.

8. Respondent is on parole and his parole is expected to continue until 2020.

CONCLUSIONS OF LAW

From the Findings of Fact contained herein, the Commissioner concludes as follows:

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Ark. Code Ann. § 23-61-103.
2. Any felony conviction is grounds to deny an applicant an insurance producer license as per Ark. Code Ann. § 23-64-512(a)(6).
3. Respondent was convicted of three serious drug related felonies in 2010 for supplying prescription narcotics to a confidential informant. Respondent's last conviction was for a misdemeanor resulting in the revocation of his parole and incarceration in 2014. Respondent has been released from incarceration but continues to be on parole.
4. Respondent failed to present sufficient evidence to prove he has been successfully rehabilitated.

RECOMMENDATION OF HEARING OFFICER

WHEREFORE, upon consideration of the evidence of record and the foregoing Findings of Fact and Conclusions of Law, the Hearing officer recommends the following:

1. That the Arkansas insurance producer license application of the Respondent be denied.


Zane Chrisman
Deputy Commissioner

CERTIFICATION

I, Allen Kerr, Insurance Commissioner for the State of Arkansas, do hereby certify that the above Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Officer were made by and under my authority and supervision by Russ Galbraith, Chief Deputy Commissioner and Hearing Officer in this proceeding. I hereby adopt the Hearing Officer's Findings of Fact, Conclusions of Law and Recommendation in full, as set forth herein.

THEREFORE, it is hereby ORDERED that the Arkansas resident producer license application of Gregory White is denied.

IT IS SO ORDERED THIS 16th DAY OF May, 2018.


ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS